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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke Probation
11 Against:

Case No. 2005-133

12 CARYN LESLIE READING AKA CARYN
LESLIE KAPLAN
13 7185 Shakespeare Place
Moorpark, CA 93021
14 Registered Nurse License No. 575140

**PETITION TO REVOKE
PROBATION**

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

- 19 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Petition to Revoke
20 Probation solely in her official capacity as the Executive Officer of the Board of Registered
21 Nursing, Department of Consumer Affairs (Board).
- 22 2. On or about December 15, 2000, the Board of Registered Nursing issued
23 Registered Nurse License Number 575140 to Caryn Leslie Reading (Respondent). The
24 Registered Nurse license will expire on September 30, 2010 unless renewed.
- 25 3. On May 25, 2006, the Board of Registered Nursing in a disciplinary action
26 entitled "In the Matter of Accusation Against Caryn L Reading," Case No. 2005-133, issued a
27 decision effective June 26, 2006, revoking Respondent's Registered Nurse License. The
28 revocation was stayed and Respondent placed on probation for a period of three years subject to

1 certain terms and conditions. A copy of that decision is attached as Exhibit A and incorporated
2 by reference.

3 TERMS OF PROBATION

4 4. Among the terms and conditions imposed by the Board in Case No. 2005-
5 133 are:

6 Condition No. 2.

7 5. **Comply with the Board's Probation Program.** Respondent shall fully
8 comply with the conditions of the Probation Program established by the Board
9 and cooperate with representatives of the Board in its monitoring and
10 investigation of the Respondent's compliance with the Board's Probation
11 Program. Respondent shall inform the Board in writing within no more than 15
12 days of any address change and shall at all times maintain an active, current
13 license status with the Board, including during any period of suspension.

11 Condition No. 5.

12 6. **Submit Written Reports.** Respondent, during the period of probation,
13 shall submit or cause to be submitted such written reports/declarations and
14 verification of actions under penalty of perjury, as required by the Board. These
15 reports/declarations shall contain statements relative to Respondent's compliance
16 with all the conditions of the Board's Probation Program. Respondent shall
17 immediately execute all release of information forms as may be required by the
18 Board or its representatives. Respondent shall provide a copy of this Decision to
19 the nursing regulatory agency in every state and territory in which she has a
20 registered nurse license.

17 Condition No. 6.

18 7. **Function as a Registered Nurse.** Respondent, during the period of
19 probation, shall engage in the practice of registered nursing in California for a
20 minimum of 24 hours per week for 6 consecutive months or as determined by the
21 Board.

21 For purposes of compliance with the section, "engage in the practice of registered
22 nursing" may include, when approved by the Board, volunteer work as a
23 registered nurse, or work in any non-direct patient care position that requires
24 licensure as a registered nurse.

25 The Board may require that advanced practice nurses engage in advanced practice
26 nursing for a minimum of 24 hours per week for 6 consecutive months or as
27 determined by the Board.

26 If Respondent has not complied with this condition during the probationary term,
27 and Respondent has presented sufficient documentation of her good faith efforts
28 to comply with this condition, and if no other conditions have been violated, the
Board, in its discretion, may grant an extension of Respondent's probation period
up to one year without further hearing in order to comply with this condition.
During the one year extension, all original conditions of probation shall apply.

1 Condition No. 7.

2 8. **Employment Approval and Reporting Requirements.** Respondent
3 shall obtain prior approval from the Board before commencing or continuing any
4 employment, paid or voluntary, as a registered nurse. Respondent shall cause to
5 be submitted to the Board all performance evaluations and other employment
6 related reports as a registered nurse upon request of the Board.

7 Respondent shall provide a copy of this Decision to her employer and immediate
8 supervisors prior to commencement of any nursing or other health care related
9 employment.

10 In addition to the above, Respondent shall notify the Board in writing within
11 seventy-two (72) hours after she obtains any nursing or other health care related
12 employment. Respondent shall notify the Board in writing within seventy-two
13 (72) hours after she is terminated or separated, regardless of cause, from any
14 nursing, or other health care related employment with a full explanation of the
15 circumstances surrounding the termination or separation.

16 Condition No. 8.

17 9. **Supervision.** Petitioner shall obtain prior approval from the Board
18 regarding Petitioner's level of supervision and/or collaboration before
19 commencing or continuing any employment as a registered nurse, or education
20 and training that includes patient care.

21 Petitioner shall practice only under the direct supervision of a registered nurse in
22 good standing (no current discipline) with the Board of Registered Nursing, unless
23 alternative methods of supervision and/or collaboration (e.g., with an advanced
24 practice nurse or physician) are approved.

25 Petitioner's level of supervision and/or collaboration may include, but is not
26 limited to the following:

27 (a) Maximum - The individual providing supervision and/or collaboration is
28 present in the patient care area or in any other work setting at all times.

 (b) Moderate - The individual providing supervision and/or collaboration is in
the patient care unit or in any other work setting at least half the hours Petitioner
works.

 (c) Minimum - The individual providing supervision and/or collaboration has
person-to-person communication with Petitioner at least twice during each
shift worked.

 (d) Home Health Care - If Petitioner is approved to work in the home health
care setting, the individual providing supervision and/or collaboration shall have
person-to-person communication with Petitioner as required by the Board each
work day. Petitioner shall maintain telephone or other telecommunication
contact with the individual providing supervision and/or collaboration as required
by the Board during each work day. The individual providing supervision and/or
collaboration shall conduct, as required by the Board, periodic, on-site visits to
patients' homes visited by Petitioner with or without Petitioner present.

1 Condition No. 9.

2 **10. Employment Limitations.** Petitioner shall not work for a nurse's
3 registry, in any private duty position as a registered nurse, a temporary nurse
4 placement agency, a traveling nurse, or for an in-house nursing pool.

5 Petitioner shall not work for a licensed home health agency as a visiting nurse
6 unless the registered nursing supervision and other protections for home visits
7 have been approved by the Board. Petitioner shall not work in any other
8 registered nursing occupation where home visits are required.

9 Petitioner shall not work in any health care setting as a supervisor of registered
10 nurses. The Board may additionally restrict Petitioner from supervising
11 licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case
12 basis.

13 Petitioner shall not work as a faculty member in an approved school of nursing
14 or as an instructor in a Board approved continuing education program.
15 Petitioner shall work only on a regularly assigned, identified and predetermined
16 worksite(s) and shall not work in a float capacity.

17 If Petitioner is working or intends to work in excess of 40 hours per week, the
18 Board may request documentation to determine whether there should be
19 restrictions on the hours of work.

20 Condition No. 10.

21 **11. Complete a Nursing Course(s).** Respondent, at her own expense, shall
22 enroll and successfully complete a course(s) relevant to the practice of registered
23 nursing no later than six months prior to the end of her probationary term.
24 Respondent shall obtain prior approval from the Board before enrolling in the
25 course(s).

26 Respondent shall submit to the Board the original transcripts or certificates of
27 completion for the above required course(s). The Board shall return the original
28 documents to Respondent after photocopying them for its records.

29 Condition No. 11.

30 **12. Cost Recovery.** Respondent shall pay to the Board costs associated with
31 its investigation and enforcement pursuant to Business and Professions Code
32 section 125.3 in the amount of \$5,000.00. Respondent shall be permitted to pay
33 these costs in a payment plan approved by the Board, with payments to be
34 completed no later than three months prior to the end of the probation term.

35 If Respondent has not complied with this condition during the probationary term,
36 and Respondent has presented sufficient documentation of her good faith efforts
37 to comply with this condition, and if no other conditions have been violated, the
38 Board, in its discretion, may grant an extension of Respondent's probation period
39 up to one year without further hearing in order to comply with this condition.
40 During the one year extension, all original conditions of probation will apply.

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Condition No. 16

13. **RULE-OUT SUBSTANCE ABUSE ASSESSMENT** - If the examiner conducting the physical and/or mental health examination determines that the respondent is dependent upon drugs or alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or alcohol dependence in remission), that might reasonably affect the safe practice of nursing, then the respondent must further comply with the following additional terms and conditions of probation.

(C) SUBMIT TO TESTS AND SAMPLES - Respondent, at his/her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he/she is not available and ensure that reports are submitted directly by the testing agency to the Board as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances. If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinated physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

FIRST CAUSE TO REVOKE PROBATION

(Failure to Submit Quarterly Reports)

14. Respondent's probation is subject to revocation because she failed to comply with probation condition no. 5 by failing to submit written reports as follows: nursing support group reports as well as quarterly reports for July 1 - September 30, 2008, and October 1 - December 31, 2008.

1 SECOND CAUSE TO REVOKE PROBATION

2 (Function as Registered Nurse)

3 15. Respondent's probation is subject to revocation because she failed to
4 comply with probation condition no. 6 by failing to practice as a registered nurse or nurse
5 practitioner in California for a minimum of 24 hours per week for six consecutive months.

6 THIRD CAUSE TO REVOKE PROBATION

7 (Failure to Comply with Employment Approval and Reporting Requirements)

8 16. Respondent's probation is subject to revocation because she failed to
9 comply with probation condition no. 7 by obtaining employment with Los Robles Homecare
10 Services, Inc. without Board approval.

11 FOURTH CAUSE TO REVOKE PROBATION

12 (Supervision Requirements)

13 17. Respondent's probation is subject to revocation because she failed to
14 comply with probation condition no. 8, by not obtaining prior approval from the Board regarding
15 her level of supervision before commencing employment as a registered nurse with Los Robles
16 Homecare Services, Inc.

17 FIFTH CAUSE TO REVOKE PROBATION

18 (Employment Limitations)

19 18. Respondent's probation is subject to revocation because she failed to
20 comply with probation condition no. 9 by beginning employment with Los Robles Homecare
21 Services, Inc., a home health agency with Board imposed limitations, without approval by the
22 Board.

23 SIXTH CAUSE TO REVOKE PROBATION

24 (Nursing Courses)

25 19. Respondent's probation is subject to revocation because she failed to
26 comply with probation condition no. 10 by failing to successfully complete required courses
27 relevant to the practice of registered nursing within six months prior to the end of her probation.
28

1 SEVENTH CAUSE TO REVOKE PROBATION

2 (Cost Recovery)

3 20. Respondent's probation is subject to revocation because she failed to
4 comply with probation condition no. 11 by failing to pay all of the Board's investigation and
5 enforcement costs within three months of the probation termination date.

6 EIGHTH CAUSE TO REVOKE PROBATION

7 (Biological Fluid Testing)

8 21. Respondent's probation is subject to revocation because she failed to
9 comply with probation condition no. 16-C by failing to enroll with Compass Vision for random,
10 biological fluid testing upon request by the Board.

11 NINTH CAUSE TO REVOKE PROBATION

12 (Failure to Comply With the Board's Probation Program)

13 22. Respondent's probation is subject to revocation because she failed to
14 comply with probation condition no. 2 by failing to comply with probation condition nos. 5, 6, 7,
15 8, 9, 10, 11, and 16-C, as further described above.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein
18 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


19 1. Revoking or suspending Registered Nurse License No. 575140, issued to
20 Caryn Leslie Reading;

21 2. Revoking the probation that was granted by the Board of Registered
22 Nursing in Case No. 2005-133 and imposing the disciplinary order that was stayed thereby
23 revoking Registered Nurse License No. 575140, issued to Caryn Leslie Reading;

24 3. Taking such other and further action as deemed necessary and proper.

4. Taking such other and further action as deemed necessary and proper.

DATED: 5/1/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

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LA2009602777

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CARYN L. READING, a.k.a. CARYN
LESLIE KAPLAN
7185 Shakespeare Place
Moorpark, CA 93021

Registered Nurse License No. 575140

Respondent

Case No. 2005-133

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on June 26, 2006.

IT IS SO ORDERED May 25, 2006.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2541
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2005-133

11 CARYN L. READING AKA CARYN LESLIE
KAPLAN
12 7185 Shakespeare Place
Moorpark, CA 93021

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Registered Nurse License No. 575140

15 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
24 Thomas L. Rinaldi, Deputy Attorney General.

25 2. Respondent Caryn L. Reading aka Caryn Leslie Kaplan is representing
26 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about December 15, 2000, the Board of Registered Nursing issued
28 Registered Nurse License No. 575140 to Caryn L. Reading aka Caryn Leslie Kaplan.

1 (Respondent). The License was in full force and effect at all times relevant to the charges
2 brought in Accusation No. 2005-133 and will expire on September 30, 2006, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2005-133 was filed before the Board of Registered
5 Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on February 16, 2005. Respondent timely filed her Notice of Defense contesting the Accusation.
8 A copy of Accusation No. 2005-133 is attached as exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. 2005-133. Respondent has also carefully read, and understands the effects of
13 this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2005-133.

26 9. Respondent agrees that her Registered Nurse License is subject to
27 discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s imposition of
28 discipline as set forth in the Disciplinary Order below.

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1 A full and detailed account of any and all violations of law shall be reported by Respondent to
2 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
3 compliance with this condition, Respondent shall submit completed fingerprint forms and
4 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
5 as part of the licensure application process.

6 **Criminal Court Orders:** If Respondent is under criminal court orders, including
7 probation or parole, and the order is violated, this shall be deemed a violation of these probation
8 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

9 **2. Comply with the Board's Probation Program.** Respondent shall fully
10 comply with the conditions of the Probation Program established by the Board and cooperate
11 with representatives of the Board in its monitoring and investigation of the Respondent's
12 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
13 within no more than 15 days of any address change and shall at all times maintain an active,
14 current license status with the Board, including during any period of suspension.

15 Upon successful completion of probation, Respondent's license shall be fully
16 restored.

17 **3. Report in Person.** Respondent, during the period of probation, shall
18 appear in person at interviews/meetings as directed by the Board or its designated
19 representatives.

20 **4. Residency, Practice, or Licensure Outside of State.** Periods of
21 residency or practice as a registered nurse outside of California shall not apply toward a reduction
22 of this probation time period. Respondent's probation is tolled, if and when she resides outside
23 of California. Respondent must provide written notice to the Board within 15 days of any change
24 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
25 returning to practice in this state.

26 Respondent shall provide a list of all states and territories where she has ever been
27 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
28 provide information regarding the status of each license and any changes in such license status

1 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
2 new nursing license during the term of probation.

3 **5. Submit Written Reports.** Respondent, during the period of probation,
4 shall submit or cause to be submitted such written reports/declarations and verification of actions
5 under penalty of perjury, as required by the Board. These reports/declarations shall contain
6 statements relative to Respondent's compliance with all the conditions of the Board's Probation
7 Program. Respondent shall immediately execute all release of information forms as may be
8 required by the Board or its representatives.

9 Respondent shall provide a copy of this Decision to the nursing regulatory agency
10 in every state and territory in which she has a registered nurse license.

11 **6. Function as a Registered Nurse.** Respondent, during the period of
12 probation, shall engage in the practice of registered nursing in California for a minimum of 24
13 hours per week for 6 consecutive months or as determined by the Board.

14 For purposes of compliance with the section, "engage in the practice of registered
15 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
16 work in any non-direct patient care position that requires licensure as a registered nurse.

17 The Board may require that advanced practice nurses engage in advanced practice
18 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
19 Board.

20 If Respondent has not complied with this condition during the probationary term,
21 and Respondent has presented sufficient documentation of her good faith efforts to comply with
22 this condition, and if no other conditions have been violated, the Board, in its discretion, may
23 grant an extension of Respondent's probation period up to one year without further hearing in
24 order to comply with this condition. During the one year extension, all original conditions of
25 probation shall apply.

26 **7. Employment Approval and Reporting Requirements.** Respondent
27 shall obtain prior approval from the Board before commencing or continuing any employment,
28 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all

1 performance evaluations and other employment related reports as a registered nurse upon request
2 of the Board.

3 Respondent shall provide a copy of this Decision to her employer and immediate
4 supervisors prior to commencement of any nursing or other health care related employment.

5 In addition to the above, Respondent shall notify the Board in writing within
6 seventy-two (72) hours after she obtains any nursing or other health care related employment.

7 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
8 terminated or separated, regardless of cause, from any nursing, or other health care related
9 employment with a full explanation of the circumstances surrounding the termination or
10 separation.

11 **8. Supervision.** Respondent shall obtain prior approval from the Board
12 regarding Respondent's level of supervision and/or collaboration before commencing or
13 continuing any employment as a registered nurse, or education and training that includes patient
14 care.

15 Respondent shall practice only under the direct supervision of a registered nurse
16 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
17 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
18 are approved.

19 Respondent's level of supervision and/or collaboration may include, but is not
20 limited to the following:

21 (a) Maximum - The individual providing supervision and/or collaboration is
22 present in the patient care area or in any other work setting at all times.

23 (b) Moderate - The individual providing supervision and/or collaboration is in
24 the patient care unit or in any other work setting at least half the hours Respondent works.

25 (c) Minimum - The individual providing supervision and/or collaboration has
26 person-to-person communication with Respondent at least twice during each shift worked.

27 (d) Home Health Care - If Respondent is approved to work in the home health
28 care setting, the individual providing supervision and/or collaboration shall have person-to-

1 person communication with Respondent as required by the Board each work day. Respondent
2 shall maintain telephone or other telecommunication contact with the individual providing
3 supervision and/or collaboration as required by the Board during each work day. The individual
4 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
5 site visits to patients' homes visited by Respondent with or without Respondent present.

6 **9. Employment Limitations.** Respondent shall not work for a nurse's
7 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
8 traveling nurse, or for an in-house nursing pool.

9 Respondent shall not work for a licensed home health agency as a visiting nurse
10 unless the registered nursing supervision and other protections for home visits have been
11 approved by the Board. Respondent shall not work in any other registered nursing occupation
12 where home visits are required.

13 Respondent shall not work in any health care setting as a supervisor of registered
14 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
15 nurses and/or unlicensed assistive personnel on a case-by-case basis.

16 Respondent shall not work as a faculty member in an approved school of nursing
17 or as an instructor in a Board approved continuing education program.

18 Respondent shall work only on a regularly assigned, identified and predetermined
19 worksite(s) and shall not work in a float capacity.

20 If Respondent is working or intends to work in excess of 40 hours per week, the
21 Board may request documentation to determine whether there should be restrictions on the hours
22 of work.

23 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall
24 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
25 than six months prior to the end of her probationary term.

26 Respondent shall obtain prior approval from the Board before enrolling in the
27 course(s). Respondent shall submit to the Board the original transcripts or certificates of
28 completion for the above required course(s). The Board shall return the original documents to

1 Respondent after photocopying them for its records.

2 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
3 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
4 amount of \$5,000.00. Respondent shall be permitted to pay these costs in a payment plan
5 approved by the Board, with payments to be completed no later than three months prior to the
6 end of the probation term.

7 If Respondent has not complied with this condition during the probationary term,
8 and Respondent has presented sufficient documentation of her good faith efforts to comply with
9 this condition, and if no other conditions have been violated, the Board, in its discretion, may
10 grant an extension of Respondent's probation period up to one year without further hearing in
11 order to comply with this condition. During the one year extension, all original conditions of
12 probation will apply.

13 12. **Violation of Probation.** If Respondent violates the conditions of her
14 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
15 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
16 license.

17 If during the period of probation, an accusation or petition to revoke probation has
18 been filed against Respondent's license or the Attorney General's Office has been requested to
19 prepare an accusation or petition to revoke probation against Respondent's license, the
20 probationary period shall automatically be extended and shall not expire until the accusation or
21 petition has been acted upon by the Board.

22 13. **License Surrender.** During Respondent's term of probation, if she ceases
23 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
24 probation, Respondent may surrender her license to the Board. The Board reserves the right to
25 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
26 take any other action deemed appropriate and reasonable under the circumstances, without
27 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
28 will no longer be subject to the conditions of probation.

1 Surrender of Respondent's license shall be considered a disciplinary action and
2 shall become a part of Respondent's license history with the Board. A registered nurse whose
3 license has been surrendered may petition the Board for reinstatement no sooner than the
4 following minimum periods from the effective date of the disciplinary decision:

5 (1) Two years for reinstatement of a license that was surrendered for any
6 reason other than a mental or physical illness; or

7 (2) One year for a license surrendered for a mental or physical illness.

8 14. **Physical Examination.** Within 45 days of the effective date of this
9 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
10 physician assistant, who is approved by the Board before the assessment is performed, submit an
11 assessment of the Respondent's physical condition and capability to perform the duties of a
12 registered nurse, including a determination as set forth below in Condition 16, "Rule-Out
13 Substance Abuse Assessment". Such an assessment shall be submitted in a format acceptable to
14 the Board. If medically determined, a recommended treatment program will be instituted and
15 followed by the Respondent with the physician, nurse practitioner, or physician assistant
16 providing written reports to the Board on forms provided by the Board.

17 If Respondent is determined to be unable to practice safely as a registered nurse,
18 the licensed physician, nurse practitioner, or physician assistant making this determination shall
19 immediately notify the Board and Respondent by telephone, and the Board shall request that the
20 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
21 shall immediately cease practice and shall not resume practice until notified by the Board.
22 During this period of suspension, Respondent shall not engage in any practice for which a license
23 issued by the Board is required until the Board has notified Respondent that a medical
24 determination permits Respondent to resume practice. This period of suspension will not apply
25 to the reduction of this probationary time period.

26 If Respondent fails to have the above assessment submitted to the Board within
27 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
28 practice until notified by the Board. This period of suspension will not apply to the reduction of

1 this probationary time period. The Board may waive or postpone this suspension only if
2 significant, documented evidence of mitigation is provided. Such evidence must establish good
3 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
4 provided. Only one such waiver or extension may be permitted.

5 **15. Mental Health Examination.** Respondent shall, within 45 days of the
6 effective date of this Decision, have a mental health examination including psychological testing
7 as appropriate to determine her capability to perform the duties of a registered nurse, including a
8 determination as set forth below in Condition 16, "Rule-Out Substance Abuse Assessment". The
9 examination will be performed by a psychiatrist, psychologist or other licensed mental health
10 practitioner approved by the Board. The examining mental health practitioner will submit a
11 written report of that assessment and recommendations to the Board. All costs are the
12 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
13 result of the mental health examination will be instituted and followed by Respondent.

14 If Respondent is determined to be unable to practice safely as a registered nurse,
15 the licensed mental health care practitioner making this determination shall immediately notify
16 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
17 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
18 practice and may not resume practice until notified by the Board. During this period of
19 suspension, Respondent shall not engage in any practice for which a license issued by the Board
20 is required, until the Board has notified Respondent that a mental health determination permits
21 Respondent to resume practice. This period of suspension will not apply to the reduction of this
22 probationary time period.

23 If Respondent fails to have the above assessment submitted to the Board within
24 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
25 practice until notified by the Board. This period of suspension will not apply to the reduction of
26 this probationary time period. The Board may waive or postpone this suspension only if
27 significant, documented evidence of mitigation is provided. Such evidence must establish good
28 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be

1 provided. Only one such waiver or extension may be permitted.

2 16. **RULE-OUT SUBSTANCE ABUSE ASSESSMENT** - If the examiner
3 conducting the physical and/or mental health examination determines that the respondent is
4 dependent upon drugs or alcohol, or has had problems with drugs or alcohol (i.e. drug
5 dependence in remission or alcohol dependence in remission), that might reasonably affect the
6 safe practice of nursing, then the respondent must further comply with the following additional
7 terms and conditions of probation.

8 **(A) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR**
9 **CHEMICAL DEPENDENCE** - Respondent, at his/her expense, shall successfully
10 complete during the probationary period or shall have successfully completed prior to
11 commencement of probation a Board-approved treatment/rehabilitation program of at least six
12 months duration. As required, reports shall be submitted by the program on forms provided by
13 the Board. If respondent has not completed a Board-approved treatment/rehabilitation program
14 prior to commencement of probation, respondent, within 45 days from the effective date of the
15 decision, shall be enrolled in a program. If a program is not successfully completed within the
16 first nine months of probation, the Board shall consider respondent in violation of probation.

17 Based on Board recommendation, each week respondent shall be required to attend at
18 least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
19 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
20 by the Board. If a nurse support group is not available, an additional 12-step meeting or
21 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
22 such attendance to the Board during the entire period of probation. Respondent shall continue
23 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
24 mental health examiner and/or other ongoing recovery groups.

25 **(B) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS -**
26 Respondent shall completely abstain from the possession, injection or consumption by any route
27 of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered
28 by a health care professional legally authorized to do so as part of documented medical treatment.

1 Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the
2 prescribing health professional, a report identifying the medication, dosage, the date the
3 medication was prescribed, the respondent's prognosis, the date the medication will no longer be
4 required, and the effect on the recovery plan, if appropriate.

5 Respondent shall identify for the Board a single physician, nurse practitioner or physician
6 assistant who shall be aware of respondent's history of substance abuse and will coordinate and
7 monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-
8 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
9 to the Board on a quarterly basis respondent's compliance with this condition. If any substances
10 considered addictive have been prescribed, the report shall identify a program for the time
11 limited use of any such substances. The Board may require the single coordinating physician,
12 nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult
13 with a specialist in addictive medicine.

14 **(C) SUBMIT TO TESTS AND SAMPLES** - Respondent, at his/her expense, shall
15 participate in a random, biological fluid testing or a drug screening program which the Board
16 approves. The length of time and frequency will be subject to approval by the Board. The
17 respondent is responsible for keeping the Board informed of respondent's current telephone
18 number at all times. Respondent shall also ensure that messages may be left at the telephone
19 number when he/she is not available and ensure that reports are submitted directly by the testing
20 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to
21 the Board by the program and the respondent shall be considered in violation of probation.

22 In addition, respondent, at any time during the period of probation, shall fully cooperate
23 with the Board or any of its representatives, and shall, when requested, submit to such tests and
24 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
25 hypnotics, dangerous drugs, or other controlled substances. If respondent has a positive drug
26 screen for any substance not legally authorized and not reported to the coordinating physician,
27 nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an
28 accusation, the Board may suspend respondent from practice pending the final decision on the

1 petition to revoke probation or the accusation. This period of suspension will not apply to the
2 reduction of this probationary time period.

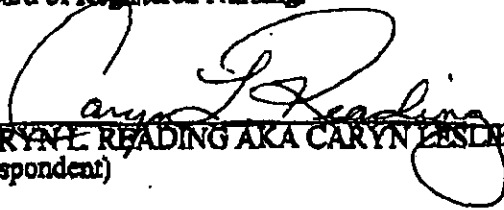
3 If respondent fails to participate in a random, biological fluid testing or drug screening
4 program within the specified time frame, the respondent shall immediately cease practice and
5 shall not resume practice until notified by the Board. After taking into account documented
6 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
7 Board may suspend respondent from practice pending the final decision on the petition to revoke
8 probation or the accusation. This period of suspension will not apply to the reduction of this
9 probationary time period.

10 (D) THERAPY OR COUNSELING PROGRAM - Respondent, at his/her expense, shall
11 participate in an on-going counseling program until such time as the Board releases him/her from this
12 requirement and only upon the recommendation of the counselor. Written progress reports from the
13 counselor will be required at various intervals.

14 ACCEPTANCE

15 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand
16 the stipulation and the effect it will have on my Registered Nurse License. I enter into this
17 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
18 bound by the Decision and Order of the Board of Registered Nursing.

19 DATED: 3-29-06.

20 
21 CARYN L. READING AKA CARYN LESLIE KAPLAN
(Respondent)

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 4/3/06.

BILL LOCKYER, Attorney General
of the State of California



THOMAS L. RINALDI
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2004601982
stipulation1.wpd

Exhibit A
Accusation No. 2005-133

1 BILL LOCKYER, Attorney General
of the State of California
2 THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2541
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2005-133

12 CARYN L. READING, A.K.A. CARYN
LESLIE KAPLAN
13 7185 Shakespeare Place
Moorpark, CA 93021

A C C U S A T I O N

14 Registered Nurse No. 575140

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about December 15, 2000, the Board of Registered Nursing issued
23 Registered Nurse No. 575140 to Caryn L. Reading, a.k.a. Caryn Leslie Kaplan (Respondent).
24 The Registered Nurse was in full force and effect at all times relevant to the charges brought
25 herein and will expire on September 30, 2006, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Business and Professions Code (Code) provides, in
4 pertinent part, that the Board may discipline any licensee, including a licensee holding a
5 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
6 2750) of the Nursing Practice Act.

7 5. Section 2764 provides, in pertinent part, that the expiration of a license
8 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
9 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
10 Code, the Board may renew an expired license at any time within eight years after the expiration.

11 6. Section 2761 states:

12 "The board may take disciplinary action against a certified or licensed nurse or
13 deny an application for a certificate or license for any of the following:

14 "(a) Unprofessional conduct. . ."

15 7. Section 2762 states:

16 "In addition to other acts constituting unprofessional conduct within the meaning
17 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
18 under this chapter to do any of the following:

19 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
20 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
21 or administer to another, any controlled substance as defined in Division 10 (commencing with
22 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
23 defined in Section 4022.

24 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
25 request the administrative law judge to direct a licensee found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
27 and enforcement of the case.

28 ///

1 CONTROLLED SUBSTANCE

2 9. **Demerol:** a brand of meperidine hydrochloride, a derivative of pethidine,
3 is a Schedule II controlled substance as designated by Health and Safety Code section
4 11055(c)(16) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

5 FIRST CAUSE FOR DISCIPLINE

6 (Unprofessional Conduct - Failure to Document)

7 10. Respondent is subject to disciplinary action pursuant to section 2761(a),
8 on the grounds of unprofessional conduct in that while on duty as a registered nurse at St. John's
9 Regional Medical Center in Burbank, California, Respondent failed to document administration
10 of Demerol as follows:

11 Patient #1323326

12 a. On May 24, 2003, at 0928 hours, Respondent withdrew Demerol 75mg
13 from the Pyxis system for the above patient despite the fact that he or she was already on a
14 morphine patient controlled analgesia ("PCA"). Respondent failed to account for the
15 administration of the Demerol in the patient's Chart Review or otherwise document wastage.

16 b. On May 24, 2003, at 1401 hours, Respondent again withdrew Demerol
17 75mg from the Pyxis system for the same patient who continued to be on the morphine PCA.
18 Respondent failed to account for the administration of the Demerol in the patient's Chart Review
19 or otherwise document wastage.

20 SECOND CAUSE FOR DISCIPLINE

21 (Obtain or Possess Controlled Substances Without Proper Authorization)

22 11. Respondent is subject to disciplinary action pursuant to section 2762(a) on
23 the grounds of unprofessional conduct in that while on duty as a registered nurse at St. John's
24 Regional Medical Center in Burbank, California, Respondent obtained Demerol, a controlled
25 substance, without proper authorization to do so as further described in paragraph 10 above.

26 PRAYER


27 WHEREFORE, Complainant requests that a hearing be held on the matters herein
28 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1 1. Revoking or suspending Registered Nurse No. 575140, issued to Caryn L.
2 Reading, a.k.a. Caryn Leslie Kaplan.

3 2. Ordering Caryn L. Reading to pay the Board of Registered Nursing the
4 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
5 Professions Code section 125.3;

6 3. Taking such other and further action as deemed necessary and proper.

7
8 DATED: 2/1/05


RUTH ANN TERRY, M.B.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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